

#### **IC 35-47.5-4**

##### **Chapter 4. Registration and Control**

#### **IC 35-47.5-4-1**

##### **Inspection of places regulated explosives manufactured**

Sec. 1. The office shall carry out a program to periodically inspect places where regulated explosives are manufactured.

*As added by P.L.123-2002, SEC.50.*

#### **IC 35-47.5-4-2**

##### **Insurance required of regulated explosive manufacturer; proof of insurance; exemption**

Sec. 2. (a) The office may order any person engaged in the manufacture or handling of a regulated explosive and any person with control over a place where regulated explosives are manufactured or handled to maintain insurance covering fire and explosion losses. The order is not effective until sixty (60) days after the date that notice of the order is received.

(b) The state fire marshal shall specify the insurance required under subsection (a) in an amount not less than ten thousand dollars (\$10,000) nor more than two hundred fifty thousand dollars (\$250,000).

(c) Proof of the insurance required under this section must be maintained with the department of insurance.

(d) The insurance commissioner may exempt a person from the insurance requirements under this section if an applicant for the exemption submits proof that the applicant has the financial ability to discharge all judgments in the amount specified by the state fire marshal. The insurance commissioner may revoke an exemption under this subsection if the commissioner requires additional proof of financial ability and:

- (1) the exempted person fails to comply with the order; or
- (2) the insurance commissioner determines that the exempted person has failed to provide adequate proof of financial ability.

*As added by P.L.123-2002, SEC.50.*

#### **IC 35-47.5-4-3**

##### **Inspection of places regulated explosives stored**

Sec. 3. The office shall carry out a program to periodically inspect places where regulated explosives are stored.

*As added by P.L.123-2002, SEC.50.*

#### **IC 35-47.5-4-4**

##### **Regulated explosives magazine permits; expiration of permits**

Sec. 4. (a) The office shall issue a regulated explosives magazine permit to maintain an explosives magazine to an applicant who qualifies under section 5 of this chapter.

(b) A permit issued under subsection (a) expires one (1) year after it is issued. The permit is limited to storage of the types and maximum quantities of explosives specified in the permit in the place

covered by the permit and under the construction and location requirements specified in the rules of the commission.

*As added by P.L.123-2002, SEC.50.*

#### **IC 35-47.5-4-4.5**

##### **Rules**

Sec. 4.5. (a) This section does not apply to a person who is regulated under IC 14-34.

(b) The commission shall adopt rules under IC 4-22-2 to:

- (1) govern the use of a regulated explosive; and
- (2) establish requirements for the issuance of a license for the use of a regulated explosive.

(c) The commission shall include the following requirements in the rules adopted under subsection (b):

- (1) Relicensure every three (3) years after the initial issuance of a license.
- (2) Continuing education as a condition of relicensure.
- (3) An application for licensure or relicensure must be submitted to the office on forms approved by the commission.
- (4) A fee for licensure and relicensure.
- (5) Reciprocal recognition of a license for the use of a regulated explosive issued by another state if the licensure requirements of the other state are substantially similar to the licensure requirements established by the commission.

(d) A person may not use a regulated explosive unless the person has a license issued under this section for the use of a regulated explosive.

(e) The office shall carry out the licensing and relicensing program under the rules adopted by the commission.

(f) As used in this section, "regulated explosive" does not include either of the following:

- (1) Fireworks (as defined in 27 CFR 555.11).
- (2) Commercially manufactured black powder in quantities not to exceed fifty (50) pounds, if the black powder is intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or antique devices.

*As added by P.L.35-2004, SEC.2. Amended by P.L.25-2004, SEC.6.*

#### **IC 35-47.5-4-5**

##### **Qualifications for issuance and renewal of permit**

Sec. 5. (a) To qualify for a regulated explosives permit, an applicant must:

- (1) submit information on the form provided by the state fire marshal describing:
  - (A) the location of the affected magazine;
  - (B) the types and maximum quantities of explosives that will be kept in the place covered by the application; and
  - (C) the distance that the affected magazine will be located from the nearest highway, railway, and structure that is also used as a place of habitation or assembly other than for the

manufacture of explosives;

- (2) except as provided in subdivision (3), demonstrate through an inspection that the magazine is constructed and located in accordance with the rules adopted by the commission;
- (3) demonstrate through an inspection that smoking, matches, open flames, and spark producing devices are not allowed within a room containing an indoor magazine; and
- (4) pay the fee under IC 22-12-6-6.

(b) To qualify for the renewal of a regulated explosives permit, the applicant must pay the fee under IC 22-12-6-6.

*As added by P.L.123-2002, SEC.50.*

#### **IC 35-47.5-4-6**

##### **Violation of permit requirement; exception**

Sec. 6. (a) This section does not apply to storage that is exempted from the requirements of this section in the rules adopted by the commission under IC 22-13-3.

(b) A person who:

- (1) stores a regulated explosive;
- (2) has control over a regulated explosive that is stored; or
- (3) has control over a place where a regulated explosive is stored;

without a regulated explosives magazine permit issued under this chapter that covers the storage commits a Class C infraction.

*As added by P.L.123-2002, SEC.50.*

#### **IC 35-47.5-4-7**

##### **Reporting injuries caused by destructive device**

Sec. 7. A physician or hospital that has reason to believe that the physician or hospital is treating a person for an injury inflicted while the person was making or using a destructive device shall report the injury to a local law enforcement agency under IC 35-47-7-5.

*As added by P.L.123-2002, SEC.50.*